

**Regular Meeting  
Board of Zoning Appeals  
March 4, 2009**

Vice Chairman Bob Wright called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Brad Schnarr took roll call as follows:

Chairman Jerry Uebelhor	-Absent	Randy Mehringer	-Present
Vice Chairman Bob Wright	-Present	Bob Cook	-Present
Secretary Brad Schnarr	-Present	Bldg. Comm. Dave Seger	-Present
Daniel Beckman	-Present	Atty. Sandy Hemmerlein	-Present

**PLEDGE OF ALLEGIANCE**

Vice Chairman Wright led the Pledge of Allegiance.

**APPROVAL OF THE MINUTES**

Minutes of the February 4, 2009 Regular Meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Bob Cook seconded it. Motion carried 5-0.

Minutes of the February 17, 2009 Special Meeting were reviewed. Bob Cook made a motion to approve the minutes as mailed. Secretary Schnarr seconded it. Motion carried 5-0.

**STATEMENT**

Vice Chairman Wright read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

**OLD BUSINESS**

Petition of Messmer Mechanical, Inc., for a variance to operate a storage warehouse in a B-1 zone.

Surveyor Ken Brosmer, on behalf of Messmer Mechanical, and Roger Messmer, of Messmer Mechanical, were present to request a variance to build a warehouse at 416 Third Avenue.

Plans are to use the warehouse for storage of tools and equipment only. Trucks would access the proposed warehouse for loading off of Giesler Road. If the need arises, the warehouse could be used for office space or retail, which the property is currently zoned for.

There were no remonstrators present. Bob Cook made a motion to close the public hearing. Secretary Schnarr seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a variance to operate a storage warehouse in a B-1 zone. Secretary Schnarr seconded it. Motion carried 5-0.

## **NEW BUSINESS**

### **Petition of Stephen R. Dills for a special exception to allow a Home Occupation (carpet and floor service).**

Stephen Dills was present to request a special exception to operate a carpet and floor cleaning business at his residence located at 470 N. Charlene Drive.

Mr. Dills said he plans to haul the equipment in his truck and store the equipment in his garage. The bookkeeping would be generated in his house. There would be no retail business at the residence.

There would be no signage. It was explained to Mr. Dills that he is allowed one employee, other than family. He advised the Board that there would be no employees other than him.

With no remonstrators present, Randy Mehringer made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Randy Mehringer made a motion to grant a special exception to allow a Home Occupation (carpet and floor service) at 470 N. Charlene Drive. Bob Cook seconded it. Motion carried 5-0.

### **Petition of Jasper Southgate Industries, Inc., for a variance from Section 16.03.060 (Limitation on Signs).**

George Hobbs was present on behalf of Jasper Southgate Industries to request a variance to allow 46 additional square-feet of signage for its most recent tenant, O'Brien Hearing Clinic. The business is located on the south side of the Bargain Barn building at 241 US Highway 231 South.

According to the ordinance, 200 feet of signage is allowed on the building. Bargain Barn is utilizing 192 feet of signage on the canopy and the south side of the building.

A drawing was displayed, showing two signs, each measuring 27 square feet, which would be an additional 46 square feet requested. The signs would be placed on the east and west side of the building. The request also applies to potential future tenants for the proposed unit.

There were no remonstrators present. Following some discussion, Daniel Beckman made a motion to close the public hearing. Secretary Schnarr seconded it. Motion carried 5-0.

Randy Mehringer made a motion to grant a variance from Section 16.03.060 (Limitation on Signs), not to exceed 55 square feet for two additional signs. This also applies to any potential future tenants. Bob Cook seconded it. Motion carried 5-0.

Petition of John and Sandy Hall for a variance from Section 16.02.140 (Height Regulations).

John and Sandy Hall were present to request a variance to add a 14-foot door onto their existing garage, which would raise the height to approximately 21 feet. The property is located at 4210 W. Hillcrest Drive.

There were no remonstrators present. After some discussion, Bob Cook made a motion to close the public hearing. Secretary Schnarr seconded it. Motion carried 5-0.

Secretary Schnarr made a motion to grant a variance from Section 16.02.140 (Height Regulations), not to exceed 21 feet at 4210 W. Hillcrest Drive. Bob Cook seconded it. Motion carried 5-0.

Petition of Greesco L.L.C. for a variance to allow three apartments in an R-3 (Residential) zone.

Brad Smith was present to request a variance to allow three apartments in an R-3 (Residential) zone. The proposed property is located at 1319 Newton Street.

There are currently two tenants. Mr. Smith plans to convert the home into three one-bedroom apartments; one apartment upstairs and two downstairs. All of the apartments would have a living room, bathroom, kitchen and dining area. Each unit would have its own meter and individual entrances from the outside.

There is adequate parking due to a large lot in the back of the house, accessing off of the alley. Mr. Smith said he would also like to open up the driveway from Newton Street, which would allow the #3 apartment access on that side.

Board members were convinced that there is ample parking space; however they were concerned about accessing the property from Newton Street due to a high traffic count several hours of the day.

There were no remonstrators. After some discussion, Bob Cook made a motion to close the public hearing. Randy Mehringer seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a variance to allow three one-bedroom apartments in an R-3 (Residential) zone at 1319 Newton Street. Randy Mehringer seconded it. Motion carried 5-0.

Petition of Jeff Merkley for a special exception to allow a Home Occupation (property maintenance).

Jeff Merkley was present to request a special exception to operate a property maintenance business at his home located at 172 S. Kluemper Road. Mr. Merkley has a box truck that holds all of his mowing equipment. There would be no employees and no

signage on the property.

Attorney Sandy Hemmerlein read a letter addressed to the Board from Terry Lechner, an adjacent property owner. In the letter, Mr. Lechner states opposition to the special exception, arguing that a business in a residential area should be limited to the confines of the home.

Terry Lechner, adjacent property owner, was also present and appeared before the Board to reiterate the contents of his letter.

With no more discussion regarding the Home Occupation, Bob Cook made a motion to close the public hearing. Daniel Beckman seconded it. Motion carried 5-0.

Secretary Schnarr made a motion to grant a special exception to allow a Home Occupation (property maintenance) at 172 S. Kluemper Road. Randy Mehringer seconded it. Motion carried 5-0.

#### Petition of Jeff Merkley for a variance from Section 16.02.140 (Height Regulations).

Jeff Merkley was present to request a variance to construct a building on his property located at 172 S. Kluemper Road. The existing one-car garage would be replaced with the new proposed one. Plans are to use the building for storing personal items and Mr. Merkley's home business box truck.

Mark Weyer, of Morton Buildings, displayed a drawing of the proposed garage. The building measures 42 feet x 45 feet, with a height of 19.4 feet. The beige and evergreen colored building would have a two-foot overhang to prevent a box-like appearance.

Mr. Merkley said the building would be placed 200 feet from the road, partially in the woods, which would help camouflage the size of the building. He expressed that the building is a garage, not a warehouse. He displayed a hand-drawn picture showing where items would be stored in the building. The height of the building is needed due to the size and width of the doors; in order to fit his box truck inside.

Board member Bob Cook and Secretary Schnarr were concerned with the size of the building; however, member Daniel Beckman stated that the request is a height variance; the ordinance does not have a size restriction on accessory buildings. Also, Mr. Merkley's covenants do not note any size restriction on an accessory building.

A letter addressed to the Board from Terry Lechner, an adjacent property owner, was read in the previous public hearing, stating opposition to the height variance. Mr. Lechner was also present and appeared before the Board to argue that the proposed building is a warehouse and is too tall to be constructed in a residential neighborhood. He suggested that Mr. Merkley construct the building on some property he owns outside of the city limits.

Mr. Lechner said the building would definitely be seen off of Kluemper Road and stated that the proposed building is only 1 ½ feet lower than the roof on Mr. Merkley's house.

Mark Weyer asked that it be stated in the record; he did shoot elevations from the centerline of the house to the southwest corner, which measures that there is a 35-inch height difference in elevation.

Discussion followed. Secretary Schnarr then made a motion to close the public hearing. Daniel Beckman seconded it. Motion carried 5-0.

Randy Mehringer made a motion to grant a variance from Section 16.02.140 (Height Regulations), not to exceed 20 feet, at 172 S. Kluemper Road. Bob Cook voted against the motion. Motion carried 4-1.

Petition of David and Amanda Jerger for a variance from Section 16.02.140 (Height Regulations).

Dave Jerger was present to request a variance to construct a garage on his property located at 1667 W. State Road 56. Plans are to replace his existing garage with the proposed new one.

The new garage measures 45 ft. x 50 ft. with the height of the building to measure approximately 30 feet. There would be two 14-ft. doors and an 8-ft. door in the middle. The height is needed in order to store Mr. Jerger's RV. The remainder of the garage would be utilized for storing his vehicles and personal items.

Mr. Jerger explained that his property is located on approximately two acres of land. The proposed building would be placed far enough away from the neighbors so as to not obstruct their view.

There were no remonstrators present. Following some discussion, Daniel Beckman made a motion to close the public hearing. Secretary Schnarr seconded it. Motion carried 5-0.

Daniel Beckman made a motion to grant a variance from Section 16.02.140 (Height Regulations), not to exceed 30 feet, at 1667 W. State Road 56. Secretary Schnarr seconded it. Bob Cook voted against the motion. Motion carried 4-1.

Petition of Rader & Nunamaker LLC, as owner of the subject property, for a special exception to build a Medical Clinic on a piece of property zoned "B-3-Business District."

Surveyor Ken Brosmer and Andrew Rader, were present on behalf of Rader & Nunamaker LLC to request a special exception to construct a medical clinic on their property located on the south side of Fifth Street, directly west of Heartland Cardiology Associates.

Dr. Rader explained that this would be a single specialty clinic; a Podiatry practice. There are currently three physicians; however, the clinic would be furnished to accommodate a fourth physician for possible future expansion. Business hours would be 8:00 am – 7:00 pm.

The 30-space parking lot would be designed for vehicles to enter and exit from

the south side of Fifth Street, in an area with adequate site distance.

There were no remonstrators present. With no more discussion, Secretary Schnarr made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a special exception to allow a medical clinic in a B-3 zone located at 645 West Fifth Street. Randy Mehringer seconded it. Motion carried 5-0.

Petition of Christian Church of Jasper, Inc., as owner of the subject property, for a variance from Section 16.03.060 (Limitation on Signs).

Carl Conner, of Conner Architecture, was present on behalf of Christian Church of Jasper to request a variance to erect an electronic sign on its property at 1450 Energy Drive.

Mr. Conner displayed an overall site plan of the existing facility, which showed the location of the sign. The proposal is for an overall height of 13 feet, which includes a three-foot berm. The sign would total 68.75 square feet and consist of an electronic message board with internally-lit letters displaying the Christian Church logo.

Christian Church will also be constructing a new building. Mr. Conner stated that once the building is erected, there would be no residential view of the sign. The sign would only be seen by vehicular traffic on State Road 162.

There were no remonstrators present. After some discussion, Secretary Schnarr made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a variance from Section 16.03.060, not to exceed 68.75 feet. Randy Mehringer seconded it. Motion carried 5-0.

Petition of Freedom Bank (as owner) and Dr. Brian Wagner (as petitioner) for a special exception to allow a dental clinic in a B-3 zone.

Randy Klem, of Freedom Bank was present to request a special exception to allow a dental clinic at 4115 Mannheim Road. Dr. Brian Wagner, as petitioner, was also present.

Dr. Wagner plans move his practice into the existing building at the proposed location. There would be no changes to the outside of the building. The interior would be remodeled to convert the former financial business into a dental clinic. Dr. Wagner would be the only doctor at the clinic.

There were no remonstrators present. After some discussion, Secretary Schnarr made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Daniel Beckman made a motion to grant a special exception to allow a dental clinic in at 4115 Mannheim Road. Randy Mehringer seconded it. Motion carried 5-0.

Request to amend ordinance regarding size of accessory buildings.

The Board discussed the possibility of amending the ordinance regarding accessory buildings. Currently, there is no size limit, only height.

After some discussion, the Board directed Building Commissioner Dave Seger to do some research on surrounding communities regarding accessory buildings and distribute any information at next month's meeting.

With no further discussion, Daniel Beckman made a motion to adjourn the meeting. It was seconded by Randy Mehringer. The motion carried 5-0, and the meeting was adjourned at 8:45 p.m.

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Jerry Uebelhor, Chairman

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Brad Schnarr, Secretary

Kathy M. Pfister, Recording Secretary